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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/441,107	11/16/1999	NED HOFFMAN	STA-22	3861	
20575	7590 09/10/2003				
MARGER JOHNSON & MCCOLLOM PC 1030 SW MORRISON STREET			EXAMINER		
PORTLAND,			FISCHETTI, JOSEPH A		
			ART UNIT	PAPER NUMBER	
			3627		
			DATE MAILED: 09/10/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

1) Responsive to communication(s) filed on 24 June 2003.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8, 16,19 and 22 is/are pending in the application.  4a) Of the above claim(s) 16,22,24 and 28 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) 1-8,19 and 25 is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) are subject to restriction and/or election requirement.	(,				$\mathcal{A}$				
Office Action Summary    Saminer   Joseph A. Fischetti   Joseph A	7		Application No.	Applicant(s)					
Joseph A. Fischetti   Joseph A. Joseph A. Fischetti   Joseph A. Jos	1		09/441,107	HOFFMAN, NED					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions for tenney be switched under the provisions of 3° CFR 1.73(e), In no event, however, may a reply be timely filed by the period for reply specified above its less than thirty (30) days, a reply whitin the satisfactory minimum of binty (30) days will be considered timely.  If the period for reply specified above its less than thirty (30) days, a reply whitin the satisfactory price of the period for reply specified above its less than thirty (30) days, a reply whitin the satisfactory price of the period for reply white the set or estanded priced time the new light graph and we prove \$150 (\$400 NE).  If the period for reply specified above its less than thirty (30) days, a reply whitin the satisfactory priced will be application to become ARANDONED (\$40 NE).  If the period for reply specified above its commendation, and the period of the commendation of the commendation of the commendation.  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8, 16, 19 and 22 is/are pending in the application.  4a) Of the above claim(s) 16, 22, 24 and 28 is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are objected to by the Examiner.  7) Claim(s) is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) field on is/are: a) accepted or b) objected to by the Examiner.  If approved, corrected drawing correction filed on is/are: a) approved b) disapproved by the Examiner.  If approved, corrected drawing correction filed on is/are: a) approved by the Exami			Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of tension by the aridiative under the provisions of 37 CFR 1.35(a). In no event, however, may a reply be timaly filled states of tension by the aridiative under the provisions of 37 CFR 1.35(a). The extent of thing (30) days will be considered timely.  If the period for reply specified above, the maximum state top period will apply and will expire StX (b) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum state top period will apply and will expire StX (b) MONTHS from the mailing date of this communication.  Any reply received by the Official exit that these maining date of this communication, even if timely flex, may reduce any expenditude of the communication, even if timely flex, may reduce any expension of Claims  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) 1.8.16.19 and 22 is/are pending in the application.  4) ○ Claim(s) 1.8.19 and 25 is/are rejected.  5) ○ Claim(s) 1.8.19 and 25 is/are rejected.  7) ○ Claim(s) 1.8.19 and 25 is/are rejected.  8) ○ Claim(s) 1.8.19 and 25 is/are rejected.  9) ○ The drawing(s) filed on 1.8 is/are: a) □ accepted or b) □ objected to by the Examiner.  Application Papers  9) ○ The oration of request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a).  11) ○ The oration of request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a).  12) ○ The oath or declaration is objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) ○ The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. § 119 and 120  13) ○ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)									
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Eatherises for the many be available used the provisions of 3 CPR 1 136b). In no event, however, may a reply be timely fitted  Eatherises for many be available used the provisions of 3 CPR 1 136b). In no event, however, may a reply be timely fitted  If the period for reply specified above is less than thirty (30) days, a reply while the study printing of the period for reply specified above is less than thirty (30) days, a reply while the period for reply while the set or catenade period for reply will, by advantage pays and vill legalize (5) (MONTH's from the realiting date of this commencation.  Falsive to reply while the set or catenade period for reply will, by advantage and the reality period will apply and vill legalize (5) (MONTH's from the realiting date of this commencation.  This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-8.16.19 and 22 isfare pending in the application.  4a) Of the above claim(s) 16,22.24 and 28 isfare withdrawn from consideration.  5) Claim(s) 1-8.16.19 and 25 isfare rejected.  2 1) 1/2 The proposed drawing set side of the commencation requirement.  Application Papers  Octaim(s) 1-8.19 and 25 isfare rejected to by the Examiner.  10) The drawing(s) filed on 1/2 isfare call accepted or b) objected to by the Examiner.  Application papers  11) The proposed drawing correction filed on 1/2 isfare is all approved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The coath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f).  a) Acknowledgment is made of a									
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Art Unit: 3627

1. Applicant's assertion that the Ramachandran et al. Patent is not a valid reference based upon the present application being a continuation in part of US 5,870,723 is noted. The Examiner has materially relied upon said assertion as being made in good faith that the subject matter on which the present application seeks priority in actuality exists in US 5,870,723.

## 2. Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

In claim 4 there is no antecedent basis for rule module.

## 3. Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1-8,19,25 are rejected under 35 U.S.C. 102(e) as being anticipated by Pare et al.

Pare et al. disclose a script supporter which registers with an electronic indicator a biometric scrip (see col.22, line 6, col. 18 line11); an electronic scrip transaction proposal step comprising a donor account (see col. 27,line 51); a transmittal step wherein a scrip supporter biometric sample is obtained and transmitted to a electronic indicator (individual enters his biometric PIC scanned); a scrip supporter i.e. step wherein the electronic indicator compares the biometric sample with the registered one and if successful, a scrip transaction is authorized (action of DPC col. 27lines 49-66). Re claim 3:the rule creation step is read as the print quality algorithm see col. 18 lines 16-28; the donator account data is disclosed in col. 27 lines 49-66).

RE claim 5: see digital certificate provision at col. 31.

## 4. Double Patenting

Claim 1 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1-28 of U.S. Patent No. 6269348. Although the conflicting claims are not identical, they are not patent ably distinct from each other because using scrip as a valuation method is not patent ably distinct from using a cash transaction..

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

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